

THE WHITE HOUSE
Washington
August 2, 2022

MEMORANDUM FOR AVIVA ARON-DINE

FROM: STUART F. DELERY 
COUNSEL TO THE PRESIDENT

SUBJECT: LIMITED WAIVER OF EXECUTIVE ORDER 13989
FOR AVIVA ARON-DINE

Executive Summary

Pursuant to Section 3 of Executive Order [13989](#) (January 20, 2021) (“Executive Order”), and for the reasons stated below, I hereby grant a limited waiver of the requirements of Section 1, Paragraph 2 of the Executive Order for Aviva Aron-Dine solely with respect to the Center on Budget and Policy Priorities (CBPP). I have determined this waiver is necessary and it is in the public interest to grant this waiver to enable Ms. Aron-Dine to effectively carry out her duties as Deputy Assistant to the President and Deputy Director of the National Economic Council (NEC) within the White House Office (WHO).

The Executive Order requires all covered political appointees in the Biden-Harris Administration to abide by several commitments. In particular, Section 1, Paragraph 2 provides that a covered appointee may not, for a period of two years from the date of appointment, participate in any particular matter involving specific parties that is directly and substantially related to a former employer or former client. In addition to communication with former employers and clients with respect to specific party matters, the definition of that term also includes “meetings or other communications relating to the performance of one’s official duties with a former employer or client.” This restriction would prevent Ms. Aron-Dine from discussions, meetings, and other communications with CBPP, and from fully accessing CBPP’s expertise, on both matters specifically involving CBPP, and also discussions on broad policy issues, such as overall funding levels in the budget or the adequacy of funding for particular federal programs.

A waiver of the restrictions contained in Section 1, Paragraph 2 of the Executive Order may be granted upon a certification either that the literal application of the restriction is inconsistent with the purpose of the restriction, or that it is in the public interest to grant the waiver.

In her role as Deputy Director, Ms. Aron-Dine must have access to a range of expertise and research focused on her priority areas. CBPP is unique in the support they are able to provide, and without access to CBPP as a resource Ms. Aron-Dine would be unable to effectively carry out her responsibilities within the NEC. For these reasons, a limited waiver of the requirements of Section 1, Paragraph 2 of the Executive Order for Ms. Aron-Dine with respect to CBPP is both necessary and in the public interest.

Background

In her current role as the Deputy Director, Ms. Aron-Dine is responsible for leading the NEC's work on key priorities related on budget, health policy, tax, and macroeconomic policy. She is uniquely qualified for this role given her professional background, extensive government service, and expertise on health, budget, and tax policy.

In order to effectively carry out her role, the Deputy Director must have access to a range of expertise, research, and other tools related to the economic landscape. CBPP is a nonpartisan research and policy institute, which researches and publishes information about federal and state policies designed to reduce poverty and inequality, and to pursue fiscal responsibility. CBPP does not have any clients, is not a membership organization, and is not funded by federal grants. CBPP occupies a unique space in the landscape, and the previous individual in Ms. Aron-Dine's current role also interacted frequently with CBPP.

Ms. Aron-Dine left CBPP more than 18 months ago, serving as the Executive Associate Director at the Office of Management and Budget (OMB) beginning in January 2021. That role had some similarities and parallels to her current role with the NEC, and, for many of the same reasons, OMB granted her a waiver to interact with CBPP.

Analysis

In accordance with Section 3 of Executive Order, it is in the public interest to grant Ms. Aron-Dine a limited waiver of the requirements of Section 1, Paragraph 2 of the Executive Order to enable her to effectively carry out her duties as Deputy Director at the NEC.

In making this assessment, I have considered the factors set forth in Section 3 of the Executive Order, which include: (i) the government's need for the individual's services, including the existence of special circumstances related to national security, the economy, public health, or the environment; (ii) the uniqueness of the individual's qualifications to meet the government's needs; (iii) the scope and nature of the individual's prior lobbying activities, including whether such activities were de minimis or rendered on behalf of a nonprofit organization; and (iv) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual's services.

Government Need

CBPP is a non-profit organization with expertise that is unique among non-governmental organizations in a number of areas directly relevant to Ms. Aron-Dine's responsibilities at NEC, including key priorities related on macroeconomic policy and budget, health, and tax matters. CBPP also plays a unique role in shaping congressional, press, and public understanding of these issues. If Ms. Aron-Dine were not permitted to have direct communication with CBPP, her ability to fully and effectively perform the duties of her position with NEC would be impaired. Her new role also has important similarities to her previous role at OMB with respect to her need

for access to technical research, data, and expertise. A waiver for Ms. Aron-Dine to interact with CBPP is as necessary for her current role as it is was for her role in OMB.

Unique Qualifications

Ms. Aron-Dine is uniquely qualified for her role with the NEC and brings with her a wealth of expertise and experience. She is an economist and a leading authority on health, budget, and tax policy, with experience coordinating Federal policy on a number of matters. Ms. Aron-Dine has served in several budget, tax, and health policy positions within the Executive Branch of the United States Government, and the private sector. Most recently, Ms. Aron-Dine served as Executive Associate Director for OMB. Prior to that, she served as the Vice President for Health policy at CBPP. In that position, she led CBPP's work on Medicaid, the Affordable Care Act, and other health care issues. Before she went to CBPP, Ms. Aron-Dine served as a Senior Counselor to the Secretary at the Department of Health and Human Services, with responsibility for Affordable Care Act implementation and for Medicaid, Medicare, and delivery system reform policy. She also has served as Associate Director for Economic Policy and then as Acting Deputy Director and Executive Associate Director at OMB, and as a Special Assistant to the President for Economic Policy at the NEC. In these latter roles, she worked on a wide range of budget and tax issues.

Prior Lobbying

Ms. Aron-Dine was not a registered lobbyist with CBPP.

Other Limitations

Given Ms. Aron-Dine's role and seniority, and the importance and uniqueness of CBPP's expertise, requiring someone else within NEC to interact with CBPP would result in serious limitations on Ms. Aron-Dine's ability to execute her job responsibilities. The waiver can be limited – it is not necessary for Ms. Aron-Dine to participate in any party-specific matters directly affecting the financial interests of CBPP, and she can continue to be recused from these matters. She does need to interact with CBPP and participate in party-specific matters related to CBPP's research and projects.

Conclusion

The significant public interest in the White House's ability to accomplish its economic mission requires Ms. Aron-Dine to fully advise NEC on economic, tax, and budget matters. Without access to the full range of experts in these areas, Ms. Aron-Dine would be severely limited in her ability to effectively carry out her duties as Deputy Assistant to the President and Deputy Director of the National Economic Council. For these reasons, I grant Ms. Aron-Dine a limited waiver of the restrictions in Section 1, paragraph 2 of the Executive Order. Pursuant to this waiver, Ms. Aron-Dine may have direct communications with CBPP.

This waiver does not otherwise affect Ms. Aron-Dine obligation to comply with all other applicable government ethics rules and provisions of the Executive Order. Specifically, this

waiver does not permit Ms. Aron-Dine to participate in any party-specific matters directly affecting the financial interests of CBPP, including but not limited to, contracts or grants.